

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:  
MOLINA HERNANDEZ, DAVID

Debtor(s)  
CITIBANK, N.A.  
Movant

vs.  
MOLINA HERNANDEZ, DAVID

and  
JOSE RAMON CARRION MORALES  
Chapter 13 Trustee  
Respondent(s)

Case No. 05-00008 GAC

Chapter 13

Index

☒ of acts against property under  
§362(d)(1) "FOR CAUSE"

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE COURT:

COMES NOW, Movant **Citibank, N.A.** secured creditor, represented by the undersigned attorney who very respectfully states and prays as follows:

1. Jurisdiction over subject matter is predicated on section, 1334 and 157(B) 2(G), 28 USC.
2. The cause of action is based 362 d(1) and d(2), 11 USC.
3. In this case, an order for relief was entered on January 03, 2005.
4. Movant is the holder in due course of a mortgage note here in after the (Note) for **\$35,700.00**, bearing interest of **6.50%**, due on **November 1, 2033**. *Please refer to proof of claim and title study.*
- 5- Since the filing date, debtor account has accumulated **Three (3) Post-petition** arrears for a total amount of **\$1,231.28**, including late charges and legal fees, as stated in the attached itemized statement of this motion.
- 6- Debtor(s) failure to comply with the installments due constitutes enough "cause" for movant to request the relief from the stay order in accordance to the requirements set forth in 11 USC Section 362 (d)(1).

7- Said default deprives Movant to have its security interest protected as provided under the Bankruptcy Code.

8- Included as *Exhibit B*, is Movant verified statement regarding the information required by the Service Member Civil Relief Act 2003 and Department of Defense Manpower Data Center Military Status Report.

**WHEREFORE**, movant very respectfully requests from this Honorable court to enter an order for the relief of the automatic stay and authorize it to obtain possession over the property through the appropriate local court procedure.

NOTICE TO ALL PARTIES is herein given that if no opposition is filed within eleven (11) days from the service of the notice of the instant motion the court may enter an order granting the relief of the automatic stay as requested.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the Motion Requesting Relief from the Automatic Stay was electronically filed by Movant, Citibank, N. A., using the CM/ECF System, which will send a notification to the Standing Chapter 13 Trustee and to the debtor(s) attorney. In addition, a copy of the Motion Requesting Relief from the Automatic Stay was sent by Movant, Citibank, N. A., to the debtor(s) at the address of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3 day of April, 2006.

SERGIO RAMIREZ DE ARELLANO LAW OFFICES

Attorney for Citibank, N. A.

PO Box 9024253

San Juan, PR, 00902-4253

Tel. (787) 977-0420/0421

Fax. (787) 977-0455

sramirez@sarlaw.com

/S/Sergio Ramirez De Arellano

USDC PR # 126804

## Case Report Information

Bkcty Number 05-00008 Acct. Number 770540652

### Financial Information-Arrearage

Totals	
Total Unpaid Payment*	711.00
Account Late Charges**	20.28
NSF Fees	
Corporate Advance	
Escrow Advance	
Escrow Shortage	
(Suspense)	
Pending Expenses/Fees	
Attorney's Fees	350.00
Filing Fees	150.00
Other	
Total	1,231.28

### UNPAID PAYMENTS\*\*

Number of Months	3	Monthly Payment	237
------------------	---	-----------------	-----

### Account Late Charges\*

Number of Months	3	Monthly Late Charge	6.76
------------------	---	---------------------	------

Department of Defense Manpower Data Center

APR-03-2006 05:02:50



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
MOLINA HERNANDEZ	DAVID	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

A handwritten signature in cursive script, reading "Robert J. Brandewie".

---

Robert J. Brandewie, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BGUCYDOJRYD**